

FILED SM

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

MAY 03 2022

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTLazarck King
Petitioner

v. U.S. Attorney General

Bureau of Prisons

1:22-cv-02304

Judge Gary Feinerman

Judge Beth W. Jantz

PC 12

RANDOM

~~B. Warden~~ Warden Bayless
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**Personal Information**

1. (a) Your full name: Lazarck King
- (b) Other names you have used: Rick, Ricky
2. Place of confinement:
 - (a) Name of institution: Federal Correctional Institute Morgantown
 - (b) Address: P.O. Box 1000 Morgantown, WV 26507
 - (c) Your identification number: #29415-044
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: I was sentenced by The District Court Northern District of Illinois 219 S. Dearborn Chicago, IL 60604
 - (b) Docket number of criminal case: CR 15-178
 - (c) Date of sentencing: _____

☐ Being held on an immigration charge

☐ Other (explain): NA

NA

NA

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits) revocation of FSA Time Credits

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- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings

☒ Other (explain): Calculation of Time Credits, Additional Time credit for Evidence based recidivism programs and 'productive activities' (P.A's), Additional halfway house to meet release needs (homeless).

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: FCI Morgantown P.O. Box 1000 Morgantown, WV 26507

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Refusal of BOP to apply FSA time credit or ~~issue~~ issue second chance act review without discrimination by awarding King recommended halfway house by United States Probation office of at least ten months.

(d) Date of the decision or action: 5-10-21

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Bureau of Prisons

(2) Date of filing: original date 1st filing 3-11-21

(3) Docket number, case number, or opinion number: 1083016-F1

(4) Result: Request is Untimely

(5) Date of result: June 2, 2021

(6) Issues raised: Entitlement to FSA time credit, transcript request, request for hours worked at UNICOR, Religious programs on file with FCI Ashland ~~act~~ calculation of FSA credit, FSA credit to be applied according to Federal register.

(b) If you answered "No," explain why you did not appeal: NA

NA

NA

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Federal Bureau of Prisons, Regional Authority
- (2) Date of filing: 06-07-2021
- (3) Docket number, case number, or opinion number: Remedy - ID 1083016-R1
- (4) Result: Denied
- (5) Date of result: 06-29-21
- (6) Issues raised: Additional halfway house FSA time credit consistent w 18USC 3632 housing house keeping apprenticeship completion in Sentry Adjustment of Pattern Score -1 for work programs to -2, Unicorn hours from FCI Ashland King worked to be applied toward FSA time credit, additional halfway house, letter from counselor specifying delay of Admin appeal, Attempts to avoid untimely delay to continue filing Admin appeal to next level, As a result, BP 10 was returned without regional response halting appeal to next level.

(b) If you answered "No," explain why you did not file a second appeal:

NANANA9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: NA
- NA
- (2) Date of filing: NA
- (3) Docket number, case number, or opinion number: NA
- (4) Result: NA
- (5) Date of result: NA
- (6) Issues raised: NA
- NA
- NA
- NA
- NA
- NA
- NA

(b) If you answered "No," explain why you did not file a third appeal:

Regional Administrative Appeal was returned without signature or response, needed to continue, stating reason untimely, King addressed on four attempts to get warden's denial and file timely appeal.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: NA(2) Case number: NA(3) Date of filing: NA(4) Result: NA(5) Date of result: NA(6) Issues raised: NANANANANANA

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: NA(2) Case number: NA(3) Date of filing: NA(4) Result: NA(5) Date of result: NA(6) Issues raised: NANANANANANA

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: NA

NANANANANANA

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: NA(b) Date of the removal or reinstatement order: NA

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

If "Yes," provide:

(1) Date of filing: NA(2) Case number: NA(3) Result: NA(4) Date of result: NA(5) Issues raised: NANANANANANA

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: NA(2) Date of filing: NA(3) Case number: NA(4) Result: NA(5) Date of result: NA(6) Issues raised: NANANANANANA12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: NA(b) Name of the authority, agency, or court: NANA(c) Date of filing: NA(d) Docket number, case number, or opinion number: NA(e) Result: NA(f) Date of result: NA(g) Issues raised: NANANANANANA

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: King was sentenced to 84 months and ~~is~~ believes he is entitled to the ten percentum of halfway house in accordance with second chance Act April 9, 2008, 18 USC 3624 to ensure prisoner has reasonable opportunity to adjust and prepare for re-entry the six month limitation no longer applies consideration must be made for longest duration.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Second chance Act expresses the "will" of Congress to afford inmates a reasonable time to adjust and prepare for re-entry, and to "increase" the halfway house up to 12 months, guidance has been provided for RRC re-entry its appropriateness, eligibility for Maximum amount of halfway house and or home confinement, not to exceed 12 months,

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: King is entitled to First Step Act Credit, FTE under 18 USC 3632, Unicon Food Service, Housekeeping programs, and "all" hours worked in BOP custody including those hours programming and participation in work programs, As working a job in the BOP does not have completion unless it is an apprenticeship.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The First Step Act and needs Assessment was not applied 17-19 months from King's release but second chance Review conducted 5-10-21 pg 2 of 4 (program review) According to Central Office, FSA credit will be applied to inmates 17-19 months from projected release. King initial request and ~~renewed~~ administrative remedy started 3-11-21 and has been thwarted.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: King claims discrimination. Inmate Kirkwood, Inmate Dushane both received more halfway house than King. Both Kirkwood and Dushane were sentenced to less time has programmed less, and Inmate Jackson received 9 months he was also sentenced to less than 45 months.

(a) Supporting facts (Be brief. Do not cite cases or law.):

King's halfway house date is after his home confinement date. King is a homeless inmate entitled to first step Act credit was told in March ~~prior~~ verbally by Unit Manager, he was only getting 6 months halfway house prior to first step Act, Second Chance Act review because prior criminal history has walsch conviction, King was threatened to possibly

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

be removed from the compound taken into custody, thrown inside. King sought help to overturn conviction from unit Team, or sought policy statement to assist in court matters.

GROUND FOUR:

King is in Prison longer than he is statutorily expected to serve. With his 1 year of entitled halfway house (RRC credit FSA applied to the back of his sentence.)

(a) Supporting facts (Be brief. Do not cite cases or law.):

King is free of any infractions during incarceration projected release (program review) 12-10-2022 with 1 year halfway house 12-10-2021. computation data sheet demonstrates King home eligibility date with calculated FSA credits under the federal register 06-10-2021

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Administrative Remedy Process was thwarted. King continually attempted to complete the administrative process. He believed retaliation was possible, and still does. However, it's my right to voice my complaints (within reason).

Request for Relief

15. State exactly what you want the court to do: King seeks, requests, demands an order from the court demanding the BOP tally King's FSA credit, including Unitor work hours and FCI Morgantown - BOP grant King ~~Additional halfway house equal to 10% of imposed sentence in addition to~~ FSA entitled relief, and immediate Release King from prison, ~~into RRC custody in Chicago, IL, and Bureau of Prison Custody.~~

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

In U.S. Mail system on 04/26/22

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

04/25/22



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Lazarick King
#29415-044
825 N. Christiana #328
Chicago, IL 60651



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1:22-cv-02304
Judge Gary Feinerman
Judge Beth W. Jantz
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Clerk of The United States
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